

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:09CR00485 DJS (AGF)
)	
JAMES PATRICK GRADY,)	
)	
Defendant.)	

ORDER

This matter is before the Court on a review of the file. In response to the Order Concerning Pretrial Motions (the “Pretrial Order”) [Doc. #14], Defendant James Patrick Grady has filed a Motion for Discovery per Rule 16 of the Federal Rules of Criminal Procedure [#20].

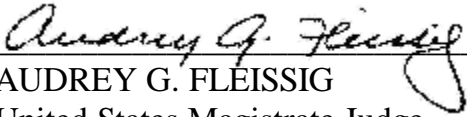
Though filed and captioned as a motion, this pleading appears essentially to be a discovery request. If intended to be a motion requesting relief from the Court, it is not in compliance with the Pretrial Order, which specifically provides:

IT IS FURTHER ORDERED that any pretrial motion seeking a Court order for the production of evidence or information from the opposing party, and each motion to suppress evidence, shall contain a statement of counsel that movant’s counsel has personally conferred with counsel for the opposing party about the issue(s) raised in the motion(s), that there is a good faith belief that the information or evidence exists about which discovery is sought or which the defendant seeks to have suppressed, and (for motions for disclosure) that the disclosure of said information or evidence has been refused by the opposing party. **Any such motion not having such attestation will not be considered or ruled by the Court.**

Defendant's motion fails to include the necessary attestation, and further, the Court notes that with respect to some of the information that is requested in the motion, its disclosure has already been ordered in the Initial Pretrial Order itself. Accordingly,

IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to re-docket the following filing as a request, and not as a motion: Motion for Discovery per Rule 16 of the Federal Rules of Criminal Procedure [#20].

The deadline for filing pretrial motions is **August 14, 2009**. To the extent Defendant wishes to file a motion for production of evidence or information, any such motion must comply with the Pretrial Order, and should be filed only after conferring with opposing counsel, and be limited to those items as to which there is a good faith dispute.



AUDREY G. FLEISSIG
United States Magistrate Judge

Dated this 13th day of August, 2009.